

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

Case No. 5596
Date Filed 4/05/07
Hearing Date _____
Receipt _____
Fee \$ 450

Shaded Areas for Office Use Only

Type of Application

☐ Administrative Decision/Interpretation

☐ Special Exception

☐ Use Variance

☐ Change/Extension of Non-Conforming Use

☐ Minor Area Variance

☒ Area Variance

☐ Variance from Requirements of the Code

☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code

CASE 5596 MAP 37 TYPE Variance

ELECTION DISTRICT 02 LOCATION 413 Quaker Bottom Road, Havre de Grace

BY David and Amy McNamee

Appealed because a variance pursuant to Section 267-34B, Table II of the Harford

County Code to permit an addition to encroach the 20' side yard setback (2' proposed, 4'
average) in the AG District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name DAVID & Amy McNAMEE Phone Number 410-939-2170

Address 413 QUAKER BOTTOM RD HAVRE DE GRACE MD 21078
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 413 QUAKER BOTTOM RD
HAVER DE GRACE, MD 21078

Subdivision 236 Lot Number 13

Acreage/Lot Size 40,075.00 SF Election District SECOND Zoning AG

Tax Map No. 37 Grid No. 3C Parcel 118 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: House - Residential
Shed - Storage

Estimated time required to present case: 30 min

If this Appeal is in reference to a Building Permit, state number No

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: NA

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

We are requesting to build an addition to our home
Which includes; a garage, second story and front
porch.

(encroaching side yard setback)

Justification

See Attached letter

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

David & Amy McNamee
413 Quaker Bottom Road
Havre de Grace, MD 21078

Harford County Planning & Zoning
220 South Main Street
Bel Air, MD 21014

To Whom It May Concern:

We are requesting approval to build an addition on our house located at 413 Quaker Bottom Road, Havre de Grace, MD 21078. The plans include building a second floor and adding a garage, as ours is one of the few on our street that does not have one.

My father, Clark Old, was a Park Ranger at Susquehanna State Park and our family lived in the Park until he retired in 2003. When my husband and I were looking for a home, there was no doubt as to where we wanted to live and raise a family. We were very happy when the property on Quaker Bottom Road went up for sale. I feel the area is one of the best places in Harford County to raise a family.

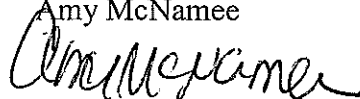
We purchased our home in 2001 as a starter home with the intention of making renovations to improve the property value and building an addition as our family grew. We are fortunate that our family has grown, and we are now in need of more living space.

As we started the process for obtaining a building permit, we were told that the initial home owners did not build the house per the original building permit. The set back on the rear right hand side of the property is not correct. We had no knowledge that the set back was incorrect when we purchased our home. We do not feel that we should be penalized for mistakes that were made during the building of our house in 1978. Our neighbors, Tom and Kathy Marron, who are located at 411 Quaker Bottom Road, knew that the set back was incorrect when the house was being built and had no objections. They have written a letter to you which we have submitted explaining this. We also have a letter that has been signed by our surrounding neighbors stating they do not object to the addition.

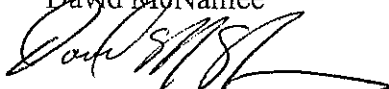
We are tax paying citizens that are not only looking for more living space but are looking to improve the neighborhood that we live in. The people who purchase the homes in this area must appreciate the beauty of the Susquehanna State Park and the surrounding area. The addition that we are requesting to build will bring our property value up and the properties surrounding ours. If we are unable to build the addition, we will be forced to move, most likely out of Harford County, in order to find a larger house with at least one acre of land.

We are hopeful that you will approve the variance needed to get our building permit so we can raise our family in this beautiful area.

Sincerely,
Amy McNamee



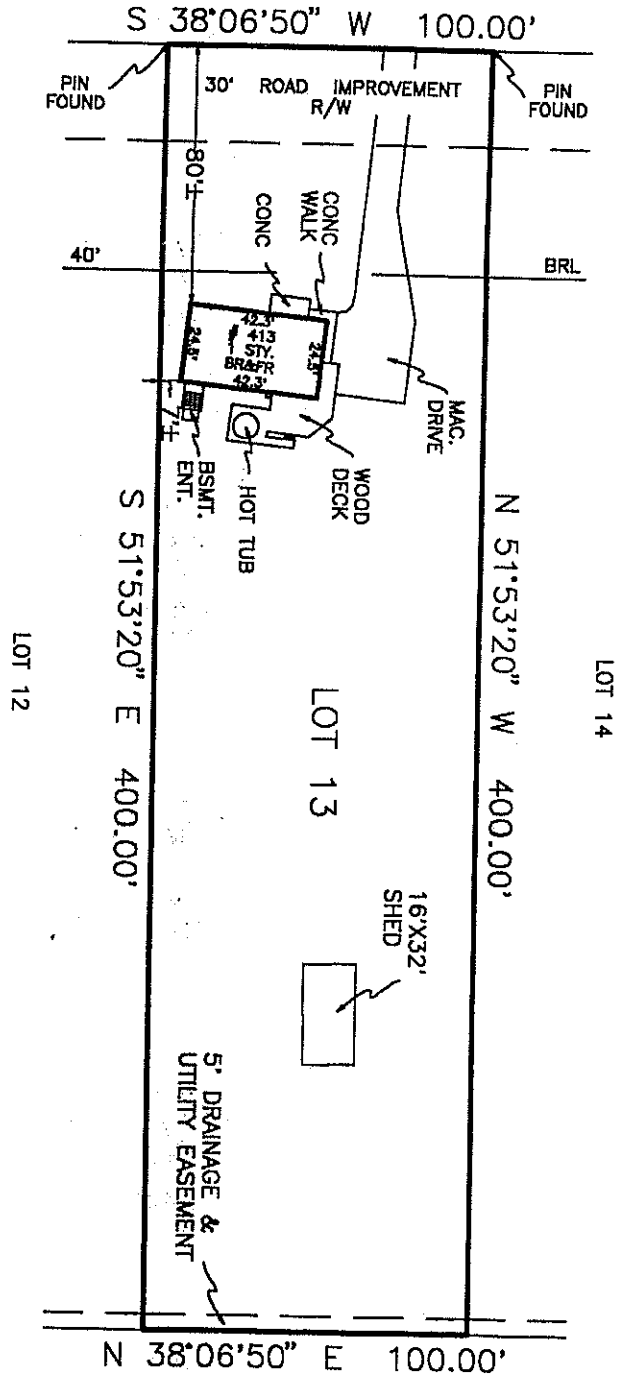
David McNamee



NOTES:
 1) B.R.L. information, if shown, was obtained from existing record plat or local agencies and is not guaranteed by NTT, Inc.
 2) Building line and/or Flood Zone information is subject to the interpretation of the originator.
 3) NTT, Inc. does not certify to uniform or unrecorded encroachments or overlaps.
 4) Property markers NOT found, or guaranteed by this location.
 5) Setback distance accuracy: ±

ORIGINAL

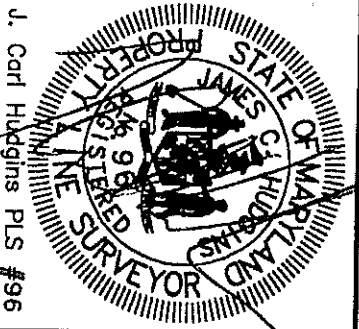
QUAKER BOTTOM ROAD



Subject property is shown in Zone X on the FIRM Map of HARFORD COUNTY, Maryland on Community Panel 24025C0185 D. Effective JANUARY 7, 2000

This is to certify that I have surveyed the property shown hereon, being known as
 LOT 13 SILVER ACRES
 FORMERLY BAKER ESTATES
 and recorded among the land records of HARFORD County, Maryland in Plat 15, folio 45 for the purpose of locating the improvements thereon.

* This plat is of benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing purposes.
 * This plat is not to be relied upon for the establishment of location of fences, garages, buildings, or other existing or future structures.
 * This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or for securing financing or refinancing.



LOCATION DRAWING
 413 QUAKER BOTTOM ROAD
 2nd ELECTION DISTRICT
 HARFORD COUNTY, MD.

NTT Associates, Inc.
 16205 Old Frederick Road
 Mt. Airy, Maryland 21771
 Ph. (410)442-2031
 Fax No. (410)442-1315

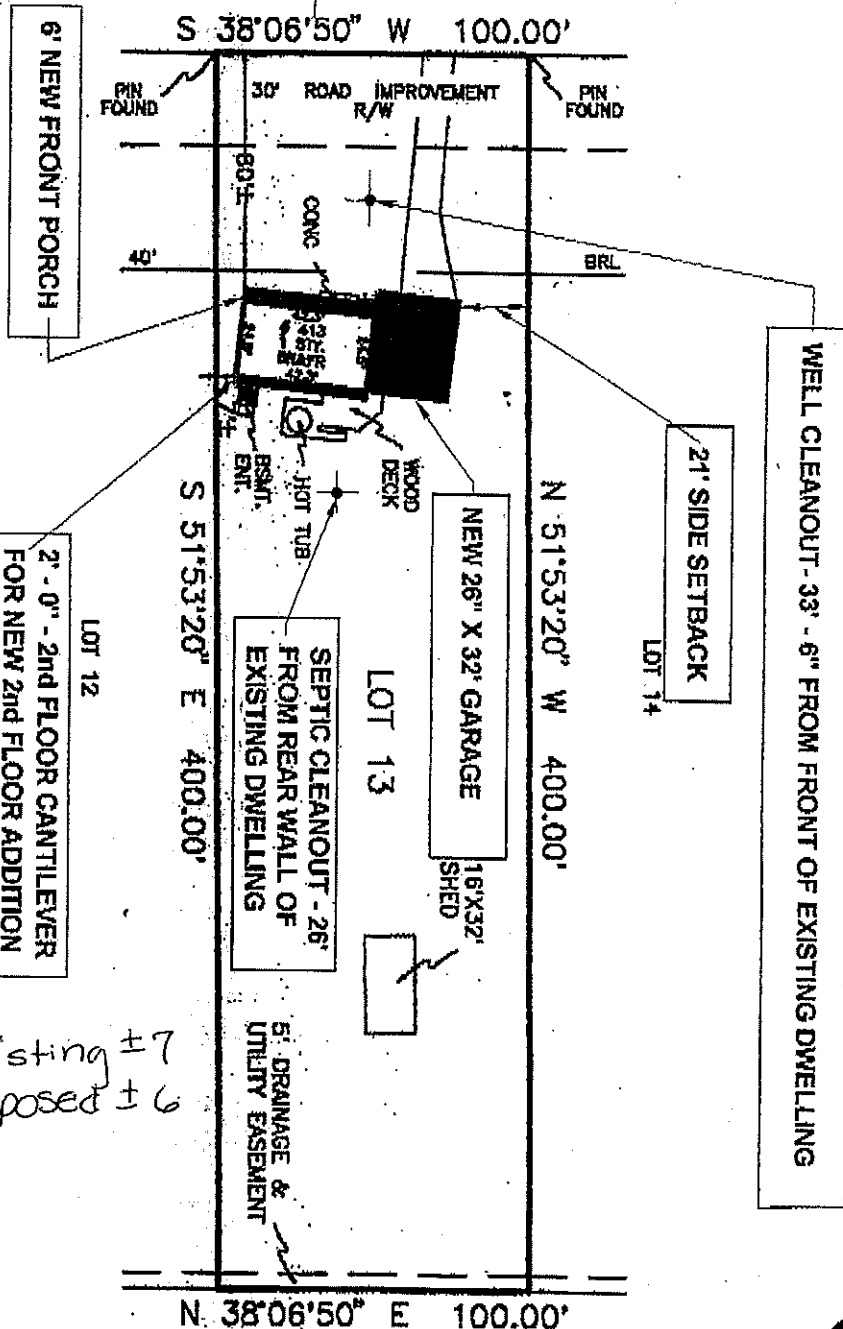
Scale: 1" = 60'
 Date: 13OCT01
 Field By: RIK
 Drawn By: RIK
 Drawing # 8685BEL

NOTES:

- 1) B.L. Information shown was obtained from existing record plat or local agencies and is not guaranteed by NTT, Inc.
- 2) Building line and/or Flood Zone Information is subject to the interpretation of the engineer.
- 3) NTT, Inc. does not carry to unknown or unrecorded encroachments or overlaps.
- 4) Property lines NOT shown or questioned by this location.
- 5) Setback distance shown: 15'

PROPOSED

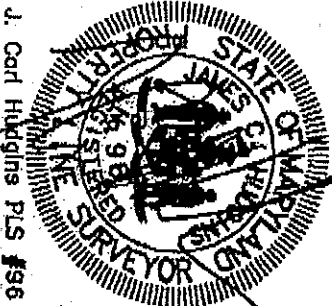
QUAKER BOTTOM ROAD



Subject property is shown in Zone X on the FIRM Map of HARFORD COUNTY, Maryland on Community Panel 2402500185 D, Effective JANUARY 7, 2000

This is to certify that I have surveyed the property shown hereon, being known as
LOT 13 SILVER ACRES
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Scale: 1" = 60'
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 Drawing # 8895BEL

existing ± 7
 proposed ± 6

2004 Aerial Photograph



DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

May 18, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5596

APPLICANT/OWNER: David McNamee
413 Quaker Bottom Road, Havre de Grace, Maryland 21078

Co-APPLICANT: Amy McNamee
413 Quaker Bottom Road, Havre de Grace, Maryland 21078

REPRESENTATIVE: Applicants

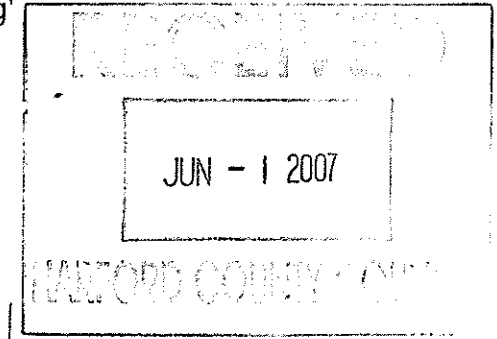
LOCATION: 413 Quaker Bottom Road – Silver Acres (formerly Baker Estates)
Tax Map: 37 / Grid: 3C / Parcel: 118 / Lot: 13
Election District: Second (2)

ACREAGE: 40,075 square feet
0.92 acres.

ZONING: AG/Agricultural

DATE FILED: April 5, 2007

HEARING DATE: June 6, 2006



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"We are requesting to build an addition to our home which includes; a garage, second story and front porch. (Encroaching side yard setback)"

Justification:

Preserving Harford's past; promoting Harford's future

STAFF REPORT

Board of Appeals Case Number 5596

David & Amy McNamee

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See Attachment 1.

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-34B, Table II of the Harford County Code to permit an addition to encroach the 20 foot side yard setback (2 feet proposed, 4 foot average) in the AG/Agricultural District.

Enclosed with the report is a copy of Section 267-34B, Table II of the Harford County Code (Attachment 2).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants property is located in the southeast area of the County, north of Havre de Grace and just to the west of the Susquehanna State Park. The lot is situated on the east side of Quaker Bottom Road and is part of a small subdivision (lot 13 of Silver Acres). A location map, a copy of the record plat and the Applicants site plan are enclosed with the report (Attachments 3, 4 and 5).

The subject property is located outside of the Development Envelope. The predominant Land Use designation is Agricultural. The Natural Features Map reflects Parks, Chesapeake Bay Critical Area, Deer Creek Scenic River District, Sensitive Species Project Review Areas, and Habitats of Local Significance. The Applicants property is designated as Agricultural which is defined by the 2004 Land Use Plan as:

Agricultural – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 6 and 7).

Land Use – Existing:

The existing land uses in this area of the County generally conform to the overall intent of the Master Plan. The predominant land use in this area of the County is Agriculture which includes cropland, pastureland and large areas of dense woodland. There are small residential subdivisions in the area. The topography of the area ranges from rolling to steep especially near the major stream valleys and their tributaries and along the banks of the Susquehanna River.

STAFF REPORT

Board of Appeals Case Number 5596

David & Amy McNamee

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Enclosed with the report is a copy of the aerial photograph and a topography map (Attachments 8 and 9).

The property is a long narrow lot approximately 0.91 acres in size fronting on the east side of Quaker Bottom Road. It is only 100 feet in width and 400 feet long. The lot rises up from the road to the front of the house. The lot begins to gently slope downward from the house to the rear of the property. The improvements on the property sit higher than those on the adjoining lot to the south. The improvements on the adjoining lot to the north are higher than those on the subject property. The improvements consist of a brick and frame rancher, a paved driveway and a solid board fence around a portion of the rear yard just to the rear of the dwelling. Attached to the rear of the dwelling is a wooden deck with steps down to a ground level deck. Outside of the fenced area is a large wooden shed. The improvements and property appear to be well maintained. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachment 10 and 11).

The site plan submitted with the original building permit in 1975 shows the septic system to the front of the lot and the well to the left rear of the dwelling. The existing well is actually located to the front of the dwelling and the septic system to the rear of the dwelling (Attachment 12).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the zoning map (Attachment 13).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-34B, Table II of the Harford County Code to permit an addition to encroach the 20 foot side yard setback (2 feet proposed, 4 foot average) in the AG/Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The dwelling which was approved by permit 667-76 was not properly located in accordance with the site plan and setbacks at that time (Attachment 12). The dwelling was to be located in the center of the lot and approximately 100 feet back from the road. The required setbacks are 20 foot side, 40 foot front yard and a 50 rear yard setback. The site plan submitted with the original building permit in 1975 shows the septic system to the front of the lot and the well on the left

STAFF REPORT

Board of Appeals Case Number 5596

David & Amy McNamee

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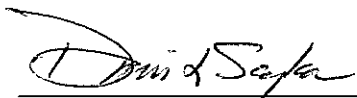
side and to the rear of the house. The existing well is actually located to the front of the dwelling and the septic system to the rear of the dwelling.

The dwelling was not located parallel with the road. The right rear corner of the house is approximately 7 feet from the property line, and the front corner is approximately 10 feet from the line. The front right corner is approximately 80 feet back from the front property line and the left front corner is approximately 85 feet. The Applicants propose to construct a 26 by 32 foot garage to the left side of the dwelling which will leave 21 feet to the side property at the front corner and approximately 26 feet at the rear corner. They are also planning a second story addition over the existing dwelling with a 2 foot overhang on the rear and a front porch that will extend across the front of the house. Because of the 2 foot overhang the setback will be reduced to 6 feet at the rear corner. Enclosed with the report is a copy of the Applicant's construction drawings (Attachment 14).

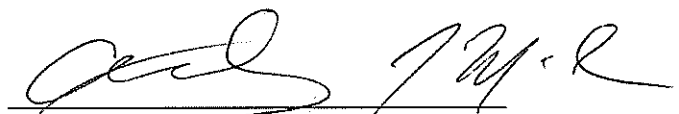
The other homes in this subdivision were located on the lots in a manner that would allow for future additions. The proposed additions will be compatible with other dwellings in the area. The applicants have submitted letters from adjacent neighbors supporting the request (Attachment 15).

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the Applicants obtaining all necessary permits and inspections for the construction of the additions.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf